

COPY

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe that I am the original, first and sole inventor (if only one name is listed below) or I believe that we are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled **NUTRITIONAL SUPPLEMENT OR PHARMACEUTICAL PREPARATION COMPRISING TRIGLYCERIDES WITH SEVEN-CARBON FATTY ACID**, the specification of which (check one)

- () is attached hereto; or
 (X) was filed on **February 3, 2000**, as PCT International Application Number **PCT/US00/03022**
 () and was amended on or about September 7, 2000.

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and that I acknowledge the duty to disclose information of which I am aware which is material to the examiner of this application in accordance with 37 C.F.R. § 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| NUMBER | COUNTRY | DATE FILED | PRIORITY CLAIMED |
|--------|---------|------------|------------------|
| N/A | | | |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

| APPLICATION SERIAL NO. | DATE FILED |
|------------------------|------------------|
| U.S. 60/119,038 | February 5, 1999 |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | DATE FILED | STATUS |
|------------------------|------------|--------|
| N/A | | |

I hereby appoint:

| | |
|-------------------|-----------------|
| Eugenia S. Hansen | Reg. No. 31,966 |
| Karen L. Knezek | Reg. No. 39,253 |
| Rod A. Cooper | Reg. No. 42,436 |

all of the firm of Sidley Austin Brown & Wood, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

| | |
|----------------------------|------------------------------|
| Send correspondence to: | Direct telephone calls to: |
| Eugenia S. Hansen | Eugenia S. Hansen |
| Sidley Austin Brown & Wood | at (214) 981-3315 |
| 717 N. Harwood, Suite 3400 | Atty. Docket No. 10347/20004 |
| Dallas, TX 75201 | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or joint inventor: **Charles R. Roe**

Inventor's signature: Charles R. Roe

Date: July 17, 2001

Residence (City, County, State): **Rockwall, Rockwall County, Texas**

Citizenship: **United States of America**

Post Office Address: **11 Northcrest Circle, Rockwall, Texas 75087**

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Applicant or Patentee: **Charles R. Roe**

Serial or Patent No.: Unassigned

Filed or Issued: Concurrently Herewith

Attorney's Docket No.: 10347/20004

For: **NUTRITIONAL SUPPLEMENT OR PHARMACEUTICAL PREPARATION
COMPRISING TRIGLYCERIDES WITH SEVEN-CARBON FATTY ACID**

VERIFIED STATEMENT (DECLARATION)

CLAIMING SMALL ENTITY STATUS

(37 C.F.R. §§ 1.9(f) and 1.27(a)(3))

NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: **Baylor University Medical Center**

ADDRESS OF ORGANIZATION: **3500 Gaston Avenue, Dallas Texas 75246**

TYPE OF ORGANIZATION

- ☐ UNIVERSITY OR OTHER INSTITUTE OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. §§ 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. §§ 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§1.9 (f)
AND 1.27 (a)(3)) NONPROFIT ORGANIZATION – PAGE 1 OF 3**

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled **NUTRITIONAL SUPPLEMENT OR PHARMACEUTICAL PREPARATION COMPRISING TRIGLYCERIDES WITH SEVEN-CARBON FATTY ACID** by inventor **Charles R. Roe** described in

- ☐ the specification filed herewith.
- ☒ PCT International Application No. **PCT/US00/03022**, filed **February 3, 2000** with amendments on **September 5, 2000** and **March 27, 2001**
- ☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization
- ☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

NAME: N/A

ADDRESS:

☐ individual ☐ small business concern ☐ nonprofit organization

NAME: N/A

ADDRESS:

☐ individual ☐ small business concern ☐ nonprofit organization


I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.27(g)(2))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JaNeene Jones

TITLE IN ORGANIZATION: Vice President

ADDRESS OF PERSON SIGNING: 3500 Gaston Avenue, Dallas Texas 75246

SIGNATURE  _____

DATE 7/30/01 _____